

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

United States of America,

v.

Russell Lucius Laffitte,

Defendant.

Case No. 9:22-cr-00658-RMG

**Defendant's Motion in Limine to Exclude
Non-Expert Testimony on Probate Law**

Defendant Russell Lucius Laffitte, by and through his undersigned counsel, moves to preclude the Government's witnesses from offering any testimony in the form of an opinion or legal conclusion about South Carolina probate law. The Government has not disclosed any witness as an expert in the field, so such testimony could only be provided by the Government at trial through a lay witness. Testimony from such lay witnesses about a complex area of law in which they have not been qualified would be improper—it would only be proper for an expert witness. *See Fed. R. Evid. 701(c)* (limiting non-expert testimony to opinions “not based on scientific, technical, or other specialized knowledge within the scope of Rule 702”); *United States v. Farrell*, 921 F.3d 116, 143 (4th Cir. 2019) (“Although we have recognized that the line between lay opinion testimony under Rule 701 and expert testimony under Rule 702 is a fine one, the guiding principle in distinguishing lay from expert opinion is that lay testimony must be based on personal knowledge.” (quotation omitted)).

The Government's witnesses have no firsthand experience in the South Carolina probate court sufficient to support any testimony about probate law or practice. Therefore, if Government intends to solicit testimony concerning the reasonableness of personal representative (“PR”) or

conservator fees, the duties of a PR or conservative, or any other opinion on probate law, they should be prohibited from doing so.

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